

House File 287 - Introduced

HOUSE FILE 287

BY R. OLSON and WOLFE

A BILL FOR

1 An Act relating to the consideration of deferred judgments as
2 criminal convictions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 4.1, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 6A. "*Deferred judgment*" does not mean a
4 conviction unless so specified in the Code.

5 EXPLANATION

6 The bill relates to deferred judgments. The bill specifies
7 that a deferred judgment does not mean a conviction unless so
8 specified in the Code.

9 The term "deferred judgment" is defined in Code section
10 907.1 to mean a sentencing option whereby both the adjudication
11 of guilt and the imposition of a sentence are deferred by
12 the court and whereby the court assesses a civil penalty as
13 provided in Code section 907.14 upon the entry of the deferred
14 judgment.

15 The following Code sections include a deferred judgment in
16 the definition of "conviction": 156.9 (revocation of mortuary
17 science license), 542.5 (qualifications for a certificate
18 as a certified public accountant), 543B.15 and 543B.29
19 (qualifications for a real estate broker's or salesperson's
20 license), and 692A.101 (sex offender registry).

21 In determining if a criminal violation is a second or
22 subsequent offense for purposes of criminal sentencing,
23 a "deferred judgment" is considered a conviction under
24 the following Code sections: 321J.2 (operating while
25 intoxicated), 462A.14 (operating a motorboat or sailboat
26 while intoxicated), 708.2 and 708.2A (assault and domestic
27 abuse), 708.11 (stalking), 714.3A (aggravated theft), 728.12
28 (sexual exploitation of a minor), 901A.1(2) (sexually predatory
29 offenses), and 902.14 (enhanced penalty — sexual abuse or
30 lascivious acts with a child).